



## CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 22, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0153

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties. 10. Employees Will Strive to be Professional	Not Sustained - Inconclusive

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

The Complainant alleged that Named Employee #1 (NE#1) was unprofessional by refusing to allow her to use the bathroom, forcing her to urinate in a hospital bed, and joking about eating off a bedpan.

### **ADMINISTRATIVE NOTE:**

The Office of Inspector General certified OPA's investigation as thorough, timely, and objective on August 30, 2023.

### **SUMMARY OF INVESTIGATION:**

OPA opened an investigation, reviewing the OPA Complaint, incident report, body-worn video (BWV), and in-car video (ICV), and interviewed NE#1. OPA did not have the Complainant's contact information to arrange an interview.

#### ***A. Blue Team Complaint***

Supervisor #1 (S#1)—a sergeant—submitted an OPA complaint. S#1 stated he screened a complaint received by Witness Officer #1 (WO#1), who guarded the Complainant at a hospital. S#1 interviewed the Complainant about allegations she raised against NE#1, who guarded the Complainant at the hospital earlier. S#1 summarized the Complainant's allegations:

*You wanted to use the restroom, but the officer told you that you were not allowed to use the restroom and, that you could use the bedpan, and that the hospital staff would collect a urine sample then. You didn't want to use the bedpan, and you ended up wetting the bed, and then the Officer said something to the effect of you could eat your sandwich off of the bedpan.*

S#1 wrote that the Complainant agreed with this summary of her allegations.



S#1 also spoke with NE#1, who denied the allegations and said he advised the Complainant that she could use the bathroom but would need to leave the door unlocked and slightly ajar. NE#1 said the Complainant declined, so hospital staff gave her a bedpan and offered to help her use it. NE#1 told S#1 that hospital staff later gave the Complainant a sandwich. The Complainant said she needed to use the restroom again. NE#1 said he showed her the bedpan to indicate she could use it. NE#1 said the Complainant replied, "You want me to eat my sandwich in that?"

***B. Incident Report Statement***

WO#1 documented the Complainant's allegations in a supplemental report. WO#1 wrote that the Complainant "indicated she was told she was not allowed to use the bathroom for over one hour but explained that the officer wouldn't allow her to close or lock the bathroom. I am unsure if the bathroom was made available to her."

***C. BWV and ICV***

There is no BWV of NE#1's interactions with the Complainant. See SPD Policy 16.090-POL-2(3) ("Sworn employees will not record in . . . medical . . . facilities unless for a direct law enforcement purpose.")

OPA reviewed S#1's BWV and WO#1's ICV, which recorded S#1's interview with the Complainant. OPA found S#1's OPA complaint consistent with his BWV and WO#1's ICV.

***D. OPA Interview – Named Employee #1***

NE#1 told OPA that he was assigned to guard the Complainant, who was arrested for assault. NE#1 said he was uninvolved in the Complainant's arrest and did not know the Complainant beforehand.

NE#1 said the Complainant was secured in "soft" restraints. NE#1 recalled the Complainant asking to use the restroom. NE#1 said he promptly notified hospital staff, who provided a bedpan. NE#1 said he was uncomfortable releasing the Complainant from her restraints since he was guarding her alone and believed the Complainant could flee, requiring force to detain her.

NE#1 said the Complainant was offered the bedpan three times, but she declined each offer. NE#1 did not recall telling the Complainant she would have to leave the restroom door cracked.

Regarding him allegedly suggesting the Complainant eat on a bedpan, NE#1 said while eating, the Complainant asked to use the restroom. NE#1 said he again offered the bedpan for relief. NE#1 denied offering it for her to eat upon.



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**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***5.001 - Standards and Duties. 10. Employees Will Strive to be Professional***

The Complainant alleged that NE#1 was unprofessional by denying her bathroom access, forcing her to use a hospital bed, and suggesting she eat on a bedpan.

SPD must employees “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.* Additionally, employees must “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.* “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language derogatory, contemptuous, or disrespectful toward any person.” *Id.*

There is insufficient evidence to sustain or disprove the Complainant’s allegations. There is no evidence—video or independent witnesses—to corroborate either account. Ultimately, the Complainant’s allegations against NE#1 were not implausible, and NE#1’s explanation was also plausible.

Accordingly, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**